

Remarks/Arguments

Claims 1-33 are pending in the application.

Applicant has amended claims 2-5 for consistency of language with claim 1 and unrelated to patentability. Similarly Applicant has amended claims 7-9 to correctly depend from the appropriate preceding claim and unrelated to patentability.

The Office has objected to claims 16, 21 and 22 for not explicitly indicating the use of a computer. Claim 16 is currently amended to recite a "computerized system for emulating a target database system," thereby addressing this objection for claim 16, and claims 21 and 22 which depend from claim 16.

The Office has also rejected claims 1-15, 23-29 and 30-31 under 35 U.S.C. § 101 stating that the claimed invention is directed to non-statutory subject matter. Claim 1 is currently amended to recite a "*computer implemented* method" (emphasis added), thereby addressing this ground for rejection for claim 1 its dependents. Claims 23 and 30 are also currently amended to recite "at least one *computer-readable* storage medium containing instructions that when executed cause a *computerized* system to . . ." (emphasis added), thereby addressing this ground for rejection for claims 23 and 30, and their dependents.

Finally, the Office has rejected claims 1-33 under 35 U.S.C. § 103(a) as being unpatentable over Carino (U.S. Patent 6,067,542) in view of Fitting (U.S. Patent 5,857,192). In light of the arguments below, Applicant asks the Office to reconsider these rejections and to allow all of the claims.

The 103(a) Rejections over Carino in view of Fitting

With regard to claim 1, the Office concedes that Carino does not teach importing environment information of a target database system into a test system as recited by

Applicant. The Office then relies on Fitting to overcome this deficiency in Carino.

Applicant believes that the Office interpreted Fitting incorrectly.

As noted in the Office Action, Fitting does teach “retrieving information about [a] product from [a] database” by a “test system” (see, e.g., Fitting, col. 4, lines 16-26; abstract; col. 1, lines 14-22; col. 2, lines 6-18). However, the test system of Fitting is not at all the same as, nor is it even suggestive of, the test system of Applicant’s claim 1. Rather, the test system of Fitting is part of a manufacturing “quality control system” that “queries the database” to obtain product information and then “*tests the product according to the requested data*” (see, e.g., Fitting, col. 2, lines 7-22) (emphasis added). In other words, Fitting’s “test system” is one that performs quality tests on manufactured products; it is not a test system *for emulating a target database system*, as claimed by Applicant.

Unlike Fitting’s system, Applicant’s claimed test system does not test manufactured products using information about those products retrieved from a database. Rather, Applicant claims a test system *for emulating a target database system* using imported environment information of the target database system. A person of ordinary skill in the art would readily appreciate that the test system of Fitting is, therefore, not at all the same as, nor is it even suggestive of, the test system recited by Applicant’s claim 1. As such, neither Carino nor Fitting, taken alone or in combination, teach or suggest all the limitations of Applicant’s claim 1. The result is that claim 1 and its dependents are patentable over Carino in view of Fitting under 35 U.S.C. § 103(a).

This same line of reasoning applies for claims 16, 23 and 30 as well. With respect to claim 16, it is equally clear that the combination of Carino and Fitting fails to teach or suggest a “computerized system for emulating a target database system,” including “an interface to receive environment information associated with the target database system.” Likewise, with respect to claim 23, Carino and Fitting do not teach or suggest “instructions that when executed cause a computerized system to . . . store [] random sample statistics in a predetermined location for importing to a test system for emulating

[a] target database system.” Finally, with respect to claim 30, Carino and Fitting fail to teach or suggest “instructions that when executed cause a computerized system to[] import random sample statistics of a target database system into a test system for emulating the target database system.” As a result, Applicant’s claims 16, 23 and 30 and their dependents all are patentable over the combination of Carino and Fitting.

Conclusions

In light of the foregoing amendments and arguments, Applicant asks the Office to reconsider this application and to allow all of the claims. Please apply any charges that might be due, excepting the issue fee but including fees for extensions of time, to deposit account 14-0225.

Respectfully,



John D. Cowart
Reg. No. 38,415

NCR Corporation
1700 South Patterson Blvd.
Dayton, Ohio 45479-0001

Tel. No. (858) 485-4903
Fax No. (858) 485-3255